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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,096	05/19/2006	Christiaan Radelet	TYR-P0009	5971

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BAKER & DANIELS LLP
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INDIANAPOLIS, IN 46204

EXAMINER

LEO, LEONARD R

ART UNIT	PAPER NUMBER
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3744

MAIL DATE	DELIVERY MODE
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04/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,096	Applicant(s) RADELET ET AL.	
	Examiner Leonard R. Leo	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The amendment filed on June 16, 2006 has been entered. Claims 13-42 are cancelled, and claims 1-12 are pending.

Claim Objections

Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 12 appears to be reiterating what is already recited in claim 1.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation "the inlet/outlet pipes" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Frey, Jr. et al. Frey, Jr. et al discloses casing 10 having a removable wall 16 including heat exchanger 28 and fluid directing means (i.e. outer wall of door 16 and heat exchanger 28).

Claims 1, 6-7 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Stoller. Figure 4 of Stoller discloses casing 12 having a removable wall 10 including heat exchanger wall 34 and fluid directing means 37. Regarding claim 6, Stoller discloses means for driving the heat transfer fluid 48. Regarding claim 7, Stoller (column 9, lines 41-55) discloses prolusion mean within the casing.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoller.

Stoller (Figure 4) discloses all the claimed limitations except upstanding ribs.

In an alternate embodiment, Figure 8 (column 9, lines 4-40) of Stoller teaches a heat transfer wall 76 having vertical upstanding ribs to improve the heat transfer. It would have been obvious to one of ordinary skill in the art to simply substitute one known element for another to obtain predictable results. *KSR Int'l Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1395 (2007).

Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey, Jr. et al of Stoller in view of Hendrix.

Frey, Jr. et al of Stoller discloses all the claimed limitations except inlet and outlet pipes.

Hendrix (Figure 3) discloses a casing comprising an exterior mounted heat exchanger 14 having an unlabelled inlet pipe feeding means for driving the heat transfer fluid 39 and outlet pipe 49 for the purpose of providing cooling air to the heat exchanger.

Since Frey, Jr. et al of Stoller and Hendrix are both from the same field of endeavor and/or analogous art, the purpose disclosed by Hendrix would have been recognized in the pertinent art of Frey, Jr. et al of Stoller.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Frey, Jr. et al of Stoller an inlet pipe and outlet pipe for the purpose of providing cooling air to the heat exchanger as recognized by Hendrix.

Regarding claims 3-5, the inlet pipe and outlet pipe 49 of Hendrix are angled downwardly.

Regarding claim 7, Hendrix (column 3, lines 59-65) discloses propulsion means within the casing.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frey, Jr. et al of Stoller in view of Modschiedler.

The device of Frey, Jr. et al of Stoller lacks propulsion means within the casing.

Modschiedler (Figure 8) discloses a casing comprising an exterior mounted heat exchanger 1 with a means for driving the heat transfer fluid 6 and a propulsion means 8 within the casing for the purpose of optimally cooling the electronic components therein.

Since Frey, Jr. et al of Stoller and Modschiedler are both from the same field of endeavor and/or analogous art, the purpose disclosed by Modschiedler would have been recognized in the pertinent art of Frey, Jr. et al of Stoller.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Frey, Jr. et al of Stoller a propulsion means within the casing for the purpose of optimally cooling the electronic components therein as recognized by Modschiedler.

Regarding claim 8, the propulsion means 8 of Modschiedler is disposed within a aperture in wall 4.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonard R. Leo whose telephone number is (571) 272-4916. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/ LEONARD R. LEO /
PRIMARY EXAMINER
ART UNIT 3744

April 2, 2008